

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI EX REL.,)	No. ED103740
MELVIN J. SCHERRER,)	
)	
Relator,)	
)	Writ of Prohibition
v.)	
)	Cause No. 13SF-CR01545-01
THE HONORABLE SANDRA MARTINEZ,)	
CIRCUIT JUDGE, DIVISION 1,)	
TWENTY-FOURTH JUDICIAL CIRCUIT,)	
)	
Respondent.)	FILED: January 12, 2016

Cynthia A. Dryden ("Relator"), assistant Missouri State Public Defender, seeks a writ that would prevent Judge Sandra Martinez ("Respondent") from requiring her to try without delay a capital case she is unprepared to take to trial.

GRANTED

Writ Division Six Holds: Prohibition is an appropriate remedy in this case to correct an erroneous interpretation of the IAD. Section 217.490 did not prevent Respondent from granting Relator a continuance over Scherrer's objections after Relator showed "good cause." A reasonable continuance of Scherrer's trial date is permissible and appropriate, as Relator established good cause for delay, the request was made in open court, and the offender or his counsel was present.

Because a continuance should have been granted to defense counsel, the preliminary writ of prohibition previously issued in this case is made absolute.

Opinion by: Roy L. Richter, Presiding Judge

Lisa S. Van Amburg, C.J., and Robert M. Clayton III, concur.

Attorney for Appellant: Cynthia Dryden

Attorney for Respondent: Jerrod D. Mahurin

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
